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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

**BARTELL RANCH, LLC**, a Nevada limited liability company and **EDWARD BARTELL**,

Plaintiffs

vs.

**ESTER M. MCCULLOUGH**, Winnemucca District Manager, **BUREAU OF LAND MANAGEMENT**,

Defendants,

and

**LITHIUM NEVADA CORP.**,

Defendant-Intervenor.

Case No.: 3:21-cv-00080-MMD-CLB

**JOINT MOTION BY BARTELL  
PLAINTIFFS AND FEDERAL  
DEFENDANTS FOR STAY OF BRIEFING  
OF BARTELL PLAINTIFFS' EAJA  
MOTION**

1 Plaintiffs Bartell Ranch and Edward Bartell (“Bartell Plaintiffs”) and Federal Defendants  
2 the United States Bureau of Land Management and Ester M. McCullough (“Defendants”) hereby  
3 move to stay briefing on Bartell Plaintiffs’ Motion/Petition for Attorneys’ Fees under the Equal  
4 Access to Justice Act (“EAJA”) to allow for settlement discussions on the motion to proceed.

5 Bartell Plaintiffs filed their motion/petition for attorneys’ fees under EAJA on November  
6 10, 2023. Defendants’ response is therefore due November 24, 2023. Bartell Plaintiffs and  
7 Defendants desire an amicable resolution of Bartell Plaintiffs’ EAJA motion. Bartell Plaintiffs’  
8 motion is a “placeholder” designed to satisfy the EAJA motion deadline while allowing the parties  
9 to negotiate over fees. *See Greenpeace v. Stewart*, No. 17-35945, 2020 WL 2465321, \*4-5 (9th  
10 Cir. Commissioner, May 12, 2020) (approving use of EAJA placeholder motion).

11 Bartell Plaintiffs and Defendants will quickly engage in negotiations to try and resolve  
12 Bartell Plaintiffs’ EAJA motion. While negotiations are ongoing Bartell Plaintiffs and Defendants  
13 propose to stay all briefing. In the event that settlement negotiations are unsuccessful, Bartell  
14 Plaintiffs and Defendants will inform the Court and file a joint schedule which would allow Bartell  
15 Plaintiffs to amend its EAJA motion, submit supporting evidence, and create a briefing schedule.

16 Bartell Plaintiffs and Defendants move the Court for an order finding:

- 17 1. That briefing on Bartell Plaintiffs’ EAJA motion is stayed;
- 18 2. Bartell Plaintiffs and Defendants will submit a status report updating the Court on the  
19 progress of EAJA negotiations within 60 days of the Court’s order on this Joint Motion;  
20 and
- 21 3. If settlement is unsuccessful, Bartell Plaintiffs and Defendants will file a joint schedule for  
22 Bartell Plaintiffs to amend their EAJA motion, submit additional supporting evidence, and  
23 creating a briefing schedule.

Respectfully submitted this 13<sup>th</sup> day of November, 2023.

/s/ Dominic M. Carollo

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**CERTIFICATE OF SERVICE**

I hereby certify that on November 13, 2023 I filed the foregoing **JOINT MOTION BY BARTELL PLAINTIFFS AND FEDERAL DEFENDANTS FOR STAY OF BRIEFING OF BARTELL PLAINTIFFS' EAJA MOTION** using the United States District Court CM/ECF, which caused all counsel of record to be served electronically.

/s/Dominic Carollo  
DOMINIC M. CAROLLO (Or. Bar No. 093057)  
[*Pro Hac Vice*]

*Attorneys for Plaintiffs*

**IT IS SO ORDERED.**

DATED: November 13, 2023



CHIEF U.S. DISTRICT JUDGE  
MIRANDA M. DU